



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jones et al.

Serial No.: 10/644,256

Filed: August 20, 2003

For: EFFICIENT PRODUCTION OF IgA
IN RECOMBINANT MAMMALIAN
CELLS

Examiner: W. Schlapkohl, Ph.D.

Group Art Unit: 1636

Attorney Docket No.: 2578-6077US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

Signature

Name (Type/Print)

**DECLARATION UNDER 37 C.F.R. § 1.132 TRAVERSING GROUNDS FOR
REJECTION BASED ON DERIVATION**

1. I, Abraham Bout, along with David H. A. Jones, are named joint inventors of the invention entitled "Efficient Production of IgA in Recombinant Mammalian Cells," an application for U.S. Letters Patent which was filed August 20, 2003 and assigned Application Serial No. 10/644,256. David H. A. Jones and I are the only inventors of the subject matter claimed in Application Serial No. 10/644,256.

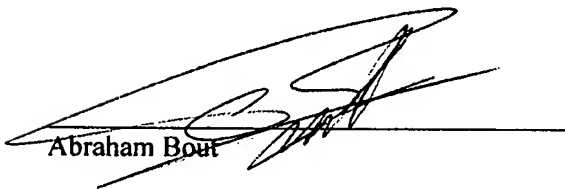
2. I, along with Patrick H.C. Van Berkel, Ton Logtenberg, and Ronald H. P. Brus are named co-inventors of U.S. Patent Application Serial No. 11/039767, entitled "Recombinant Production of Mixtures of Antibodies," which was published on August 4, 2005, as U.S. Patent Application Publication No. 2005/0170398. That application relates to the production of mixtures of antibodies. In certain embodiments thereof, said mixtures of antibodies comprise IgA antibodies.

3. The expression of IgA antibodies from PER.C6 cells was invented by me and David Jones (see point 1 above), prior to the filing of U.S. Patent Application Serial No. 11/039767.

When U.S. Patent Application Serial No. 11/039767 was filed, we thus already knew that IgA could be produced in PER.C6 cells. U.S. Patent Application Serial No. 11/039767 relates to a completely different concept of producing mixtures of antibodies from a single host cell. It was realized that that concept could be applied to IgA antibodies as well, since we knew by then that PER.C6 cells were suitable for the production of IgA antibodies, and therefore subject matter relating to expression of mixtures of antibodies comprising IgA antibodies was included in that application.

4. Notwithstanding the naming of other inventors in addition to myself in U.S. Patent Application Publication No. 2005/0170398, the subject matter of ¶¶ [0018], [0058], and [0072] of that document, insofar as relating to the encoding and production of IgA antibodies in PER.C6 cells, was derived solely from me.

5. I acknowledge that willful false statements and the like are punishable by fine and/or imprisonment (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon. I also acknowledge that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true.


Abraham Bout

16 May 2007
Date